

# MANDATE

05/11/27/1  
USDC/MA  
Zobel, J

## United States Court of Appeals For the First Circuit

No. 05-2407

CARL FURMAN, ET AL.,  
Plaintiffs, Appellants,

v.

JOHN RUGER, ET AL.,  
Defendants, Appellees.

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Deputy Clerk ht

Date: 2/1/04

Before

Torruella, Selya and Lipez,  
Circuit Judges.

### JUDGMENT

Entered: January 11, 2006

Defendants' motion to dismiss this appeal from the district court's order transferring venue to the United States District Court for the District of Maine for lack of appellate jurisdiction is granted. The appeal is dismissed because the order granting defendants' motion to transfer under 28 U.S.C. § 1404(a) is interlocutory and not immediately appealable. Codex Corp. v. Milgo Elec. Corp., 553 F.2d 735, 737 (1st Cir. 1977).

Even construing plaintiffs' appeal broadly as seeking a writ of mandamus to challenge the transfer order, id. (recognizing availability of mandamus as a limited means to test a district court's decision in granting or denying a transfer of venue), plaintiffs' request is denied. Plaintiffs have failed to establish "some special risk of irreparable harm, together with clear entitlement to the relief requested." In re Pearson, 990 F.2d 653, 656 (1st Cir. 1993) (citation and internal quotation marks omitted).

By the Court:  
Richard Cushing Donovan, Clerk.

By: MARGARET CARTER  
Chief Deputy Clerk.

[cc: Andrew C. Novick, Esq., Nikolas P. Kerest, Esq., Jotham D. Pierce Jr., Esq.]